

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Devin M. Dodson
Crystal A. Dodson
Debtors

Case No: 10-63576
Chapter 13
Judge Hoffman

MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN

Now come, Devin M. Dodson and Crystal A. Dodson, by and through counsel, and hereby move to modify their confirmed Chapter 13 Plan.

1. PARTICULAR REFERENCE TO PROVISIONS BEING MODIFIED:

Beneficial Ohio Inc – The mortgage holder shall retake possession of the residential real estate located at 8673 Cadet Drive South, Galloway, OH 43119 pursuant to a State foreclosure proceeding. The Creditor may retain the collateral in full satisfaction of the debt or may liquidate same in a commercially reasonable manner. In the event the Creditor liquidates the collateral and there remains a deficiency after sale, the deficiency shall be treated as an unsecured claim in this Chapter 13 estate. The Creditor shall only be permitted to proceed against the collateral. The Creditor shall take no adverse action against the Debtor. The Creditor shall only be permitted to proceed *in rem* against the collateral.

In the event of a deficiency, the Creditor must file a proof of claim on the unsecured deficiency within 30 days after sale of the collateral in order to share in any additional distributions from the Chapter 13 estate. Any claim not filed as provided herein shall be disallowed and shall not share in distributions from the Chapter 13 estate. The obligation to the Creditor shall be discharged upon the issuance of a discharge in this case.

2. EFFECT OF MODIFICATION ON CREDITORS AND OTHER PARTIES IN INTEREST:

The proposed modification does not adversely affect creditors. The modification specifically deals with the surrender of the real estate to Creditor Beneficial Ohio Inc.

3. LAST CONFIRMATION ORDER:

This case was originally confirmed on February 15, 2011, (Doc #20) and no other post confirmation modifications have since occurred.

4. PERCENTAGE TO UNSECURED:

The modified plan does not propose to modify the dividend to unsecured claimholders.

5. THE EFFECT ON MONTHLY PAYMENT:

The monthly payments shall be \$275.00 per month effective with the January 2012 payment and for all months thereafter until the end of the plan.

/s/ John F. Cannizzaro
John F. Cannizzaro #0005096
CANNIZZARO, BRIDGES,
JILLISKY & STRENG, LLC
302 South Main Street
Marysville, OH 43040
Telephone: 937-644-9125
Fax: 937-644-0754
jsheets@cfbjlaw.com

/s/ Devin M. Dodson
Devin M. Dodson

/s/ Crystal A. Dodson
Crystal A. Dodson

B6I (Official Form 6I) (12/07)

In re **Devin M Dodson**
Crystal A Dodson

Case No. **2:10-bk-63576**

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Married	RELATIONSHIP(S): Son	AGE(S): 8
Employment:	DEBTOR	SPOUSE
Occupation	horticulturist	
Name of Employer	City of Dublin (disabled)	disabled
How long employed	22 years	
Address of Employer	5200 Emerald Pkwy 614-410-4700 Dublin, OH 43017	

INCOME: (Estimate of average or projected monthly income at time case filed)

1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)

2. Estimate monthly overtime

DEBTOR	SPOUSE
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

3. SUBTOTAL

\$ <u>0.00</u>	\$ <u>0.00</u>
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4. LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify):

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

5. SUBTOTAL OF PAYROLL DEDUCTIONS

\$ <u>0.00</u>	\$ <u>0.00</u>
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6. TOTAL NET MONTHLY TAKE HOME PAY

\$ <u>0.00</u>	\$ <u>0.00</u>
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7. Regular income from operation of business or profession or farm (Attach detailed statement)

8. Income from real property

9. Interest and dividends

10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

11. Social security or government assistance

(Specify): **social security**

\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>2,268.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>
\$ <u>0.00</u>	\$ <u>0.00</u>

12. Pension or retirement income

13. Other monthly income

(Specify):

\$ <u>0.00</u>	\$ <u>2,268.00</u>
\$ <u>0.00</u>	\$ <u>2,268.00</u>
\$ <u>2,268.00</u>	

14. SUBTOTAL OF LINES 7 THROUGH 13

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Mr. Dodson will be seeking disability through the Public Employees Retirement System. If approved, then the family budget would return to more reasonable levels.

B6J (Official Form 6J) (12/07)

In re **Devin M Dodson**
Crystal A Dodson

Case No. **2:10-bk-63576**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	<u>650.00</u>
a. Are real estate taxes included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
b. Is property insurance included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
2. Utilities: a. Electricity and heating fuel	\$	<u>200.00</u>
b. Water and sewer	\$	<u>90.00</u>
c. Telephone	\$	<u>0.00</u>
d. Other <u>See Detailed Expense Attachment</u>	\$	<u>271.00</u>
3. Home maintenance (repairs and upkeep)	\$	<u>0.00</u>
4. Food	\$	<u>350.00</u>
5. Clothing	\$	<u>60.00</u>
6. Laundry and dry cleaning	\$	<u>0.00</u>
7. Medical and dental expenses	\$	<u>0.00</u>
8. Transportation (not including car payments)	\$	<u>150.00</u>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	<u>0.00</u>
10. Charitable contributions	\$	<u>0.00</u>
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	<u>32.00</u>
b. Life	\$	<u>0.00</u>
c. Health	\$	<u>0.00</u>
d. Auto	\$	<u>80.00</u>
e. Other _____	\$	<u>0.00</u>
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) _____	\$	<u>0.00</u>
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	<u>0.00</u>
b. Other _____	\$	<u>0.00</u>
c. Other _____	\$	<u>0.00</u>
14. Alimony, maintenance, and support paid to others	\$	<u>0.00</u>
15. Payments for support of additional dependents not living at your home	\$	<u>0.00</u>
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	<u>0.00</u>
17. Other <u>school lunches</u>	\$	<u>50.00</u>
Other <u>school & sports participation fees</u>	\$	<u>60.00</u>

18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ 1,993.00

19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:

Mr. and Mrs. Dodson will be seeking welfare assistance to help offset their medical, prescription drug and food costs. If Mr. Dodson is approved for disability, they anticipate their expenses to return to more reasonable levels.

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	<u>2,268.00</u>
b. Average monthly expenses from Line 18 above	\$	<u>1,993.00</u>
c. Monthly net income (a. minus b.)	\$	<u>275.00</u>

B6J (Official Form 6J) (12/07)

B6J (Official Form 6J) (12/07)

In re **Devin M Dodson**
Crystal A Dodson

Case No. **2:10-bk-63576**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED
Detailed Expense Attachment

Other Utility Expenditures:

Cell	\$	139.00
Internet, cable	\$	132.00
Total Other Utility Expenditures	\$	271.00

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SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

Devin M. Dodson
Crystal A. Dodson
Debtors

Case No: 10-63576
Chapter 13
Judge Hoffman

NOTICE OF MOTION or OBJECTION

Devin M. Dodson and Crystal A. Dodson, the Debtors herein, have filed papers with the Court on a Motion to Modify Confirmed Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Debtors' motion, or if you want the Court to consider your views on the motion, then on or before 21 days after the date of service contained in the Certificate of Service, you or your attorney must file a written response to the motion, explaining your position, at:

United States Bankruptcy Court Clerk
170 N. High Street
Columbus, OH 43215

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before time expires for filing the response.

You must also mail a copy to:

John F. Cannizzaro, Attorney at Law
302 S. Main Street
Marysville, OH 43040

Jeffrey P. Norman, Ch 13 Trustee
10 W. Broad Street #900
Columbus, OH 43215-3449

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting that relief.

Date: January 17, 2012

/s/ John F. Cannizzaro
John F. Cannizzaro #0005096
302 S. Main Street
Marysville, OH 43040

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

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Crystal A. Dodson
Debtors

Case No: 10-63576
Chapter 13
Judge Hoffman

NOTICE AND CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing attached pleading was served this date on the parties whose names and addresses are listed below as and for NOTICE that the attached pleading has been filed. Pursuant to Rule 2002(a)(6), the undersigned will present to the court a proposed order granting the relief sought unless within twenty-one (21) days after this date a written memorandum in opposition, along with a request for hearing on such opposition, is filed with the Court and served on the undersigned.

Date: January 17, 2012

/s/ John F. Cannizzaro

John F. Cannizzaro 0005096
CANNIZZARO, BRIDGES,
JILLISKY & STRENG, LLC
302 South Main Street
Marysville, Ohio 43040
Telephone: 937-644-9125
Fax: 937-644-0754
jsheets@cfbjlaw.com

Names and Addresses of Parties Served:

By ECF service to:

Frank Pees, Chapter 13 Trustee
130 E. Wilson Bridge Rd., Suite 200
Worthington, OH 43085

U.S. Trustee's Office
170 N. High St., #200
Columbus, OH 43215

By regular U.S. Mail service to:

Devin M. Dodson & Crystal A. Dodson
8673 Cadet Drive South
Galloway, OH 43119

And all Creditors on the attached matrix

Label Matrix for local noticing
0648-2
Case 2:10-bk-63576
Southern District of Ohio
Columbus
Tue Jan 17 15:37:38 EST 2012

HSBC Finance Corporation
PO Box 829009
Dallas, TX 75382-9009

United States Bankruptcy Court
170 North High Street
Columbus, OH 43215-2414

Accliam Financial services
P.O. Box 30009
Columbus, OH 43230-0009

Asst US Trustee (Col)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Barbara K. Reiman
75 S. High St #4
Dublin, OH 43017-2154

Beneficial Ohio Inc.
961 Weigel Dr.
P.O. Box 8603
Elmhurst, IL 60126-8603

Beneficial Ohio Inc.
PO Box 829009
Dallas, TX 75382-9009

Capital Copy
2309 W. Dublin Granville Rd
Columbus, OH 43085-2799

Checks Unlimited
PO Box 17400
Colorado Springs, CO 80935-7400

Childrens Hospital
700 Childrens Drive
Columbus, OH 43205-2696

Cingular Wireless
32255 Northwestern Hwy #100
Farmington, MI 48334-1573

CitiCard
P.O. Box 6345
The Lakes, NV 88901-6345

Collection
700 Longwater Dr
Norwell, MA 02061-1796

(p)DELL FINANCIAL SERVICES
P O BOX 81577
AUSTIN TX 78708-1577

Family Medical North
1930 Crown Park Court
Columbus, OH 43235-2402

Ffcc-columbus Inc
1550 Old Henderson Rd St
Columbus, OH 43220-3626

Fifth Third Bank
Mail Drop 109065-3110
38 Fountain Square Plaza
Cincinnati, OH 45263-3110

First Federal Credit Control
1550 Old Henderson Rd #100
Columbus, OH 43220-3626

Franklin County Treasurer
373 S. High St 17th Floor
Columbus, OH 43215-6306

Frederick J. Schill DDS
4900 Reed Rd
Columbus, OH 43220-3164

HSBC
Hsbc Retail Services Attention: Bankru
Po Box 5213
Carol Stream, IL 60197-5213

Hanger Inc
1310 Dublin Rd
Columbus, OH 43215-1093

IC Systems
P.O. Box 64378
St. Paul, MN 55164-0378

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

LVNV Funding LLC its successors and assigns
assignee of Citibank
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Nco Financial Systems
507 Prudential Rd
Horsham, PA 19044-2368

OSU Sports Medicine Center
1375 Perry St
Columbus, OH 43201-3177

(p)OHIO BUREAU OF WORKERS COMPENSATION
LAW SECTION BANKRUPTCY UNIT
P O BOX 15567
COLUMBUS OH 43215-0567

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, OH 43216-0530

Physicians Credit Bure
3592 Corporate Dr Ste 10
Columbus, OH 43231-4978

RMH Based Specialists
285 E State St Ste 450
Columbus, OH 43215-4358

Retail Services
P.O. Box 703
Wood Dale, IL 60191-0703

Riverside Methodist Hospotal
P.O. Box 182141
Columbus, OH 43218-2141

Riverside Radiological Associates
P.O. Box 14806
Columbus, OH 43214

Rossman & Co
P.O. Box 29917
Columbus, OH 43229-7517

Santander
8585 N Stemmons Fwy Ste
Dallas, TX 75247-3822

State of Ohio Attorney General's Office
Revenue Recovery Divison
101 E. Town St
Columbus, OH 43215-5187

State of Ohio Attorney General's Office
Revenue Recovery Divison
150 East Gay St., 21st Fl.
Columbus, OH 43215-3191

State of Ohio Department of Taxation
Attn: Bankruptcy Division
P.O. Box 530
Columbus, OH 43266-0030

State of Ohio Department of Taxation
P O Box 2678
Columbus, OH 43216-2678

U.S. Attorney General's Office
303 Marconi Blvd #200
Columbus, OH 43215-2326

U.S. Attorney General's Office
Main Justice Bldg Room 5111
10th & Constitution Ave NW
Washington, DC 20530-0001

United Collect Bur Inc
5620 Southwyck Blvd Ste
Toledo, OH 43614-1501

United Collection Bureau
5620 South Wyck Blvd #206
Toledo, OH 43614-1501

Wells Fargo
P.O. Box 5943
Sioux Falls, SD 57117-5943

Wells Fargo Financial Ohio Inc
4137 121st Street
Urbandale IA 50323-2310

eCAST Settlement Corp
Assignee of HSBC Bank Nevada
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd, Suite 200
Tucson, AZ 85712-1083

eCAST Settlement Corporation SUCCESSOR to We
Fargo Bank NA
POB 35480
Newark NJ 07193-5480

eCAST Settlement Corporation assignee of HSB
CONSUMER LENDING (USA) INC
POB 35480
Newark NJ 07193-5480

Crystal A Dodson
8673 Cadet Dr South
Galloway, OH 43119-8859

Devin M Dodson
8673 Cadet Dr South
Galloway, OH 43119-8859

Jeffrey P Norman
Chapter 13 Trustee
One Columbus
10 West Broad St
Suite 900
Columbus, OH 43215-3449

John F Cannizzaro
302 South Main Street
Marysville, OH 43040-1556

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Dell Financial Services
Attn: Bankruptcy Dept.
Po Box 81577
Austin, TX 78708

Internal Revenue Service
P O Box 21126
Philadelphia, PA 19114-0326

Ohio Bureau of Workers Compensation
P.O. Box 15567
Attn: Law Section Bankruptcy Unit
Columbus, OH 43215-0567

End of Label Matrix

Mailable recipients	53
Bypassed recipients	0
Total	53